

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Carriers Eligible for)	WC Docket 09-197
Universal Service Support)	
)	
Standing Rock Telecommunications, Inc.)	
Petition for Designation as an Eligible)	
Telecommunications Carrier)	
)	
Petition of Standing Rock)	
Telecommunications, Inc. to Redefine Rural)	
Service Areas		

COMMENTS OF CENTURYLINK

The Commission has a long-established and well-founded policy against Competitive Eligible Telecommunications Carriers (CETCs) selectively defining their service areas so as to exclude portions of rural wire centers.¹ Exceptions to that policy cannot be freely made. Instead, any deviation from the policy must be based on special circumstances that create a situation where the public interest is best served by permitting the deviation.

Rural areas typically have low population densities and, accordingly, they are characterized by particularly high costs for providing telecommunications services. Allowing a CETC to receive high-cost support for serving only a selected portion of a wire center increases the risks to universal service in other rural areas. In addition, in most cases, the government and private sector administrative costs associated with defining sub-wire center services areas for

¹ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 20 FCC Rcd 6371 (2005) (*ETC Designation Order*); *Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, 19 FCC Rcd 6422 (2004) (*Highland Cellular Order*).

purposes of CETCs' receipt of Universal Service Fund (USF) support are likely to outweigh any conceivable benefits. Therefore, the Commission has consistently and rigorously applied a policy of requiring CETC service areas to encompass entire rural wire centers. Likewise, CETCs generally have accepted service area definitions complying with the policy. It is vitally important that the Commission avoid doing anything in this proceeding that could compromise its general policy against service areas definitions that do not encompass entire rural wire centers.

In this particular case, the Commission must consider how its important policy against service areas that do not fully encompass rural wire centers aligns with another important set of policies related to Tribal self-sufficiency, economic development, and access to communications services. Both the petitioner and at least one opposing party appear to be tribally-owned. As explained in the Order of the Wireline Competition Bureau, *Standing Rock Telecommunications, Inc.* is owned and operated by the Standing Rock Sioux Tribe and it seeks to serve the entire Standing Rock Sioux Reservation. Parts of the reservation overlap with portions of wire centers served by several rural incumbent local exchange carriers (ILECs). Among these ILECs is the Cheyenne River Sioux Tribe Telephone Authority, which also appears to be tribally-owned. The Bureau's order concluded that tribally-owned providers may be particularly well-suited to community outreach and promoting subscribership. It also concluded that their operations may meaningfully promote tribal self-sufficiency and economic development.²

If the Commission determines that these tribal policies constitute special circumstances in this context, CenturyLink emphasizes that any grant of partial wire center designation should not

² *Telecommunications Carriers Eligible for Universal Support—Petition of Standing Rock Telecommunications, Inc. to Redefine Rural Service Areas*, WC Docket No. 09-197, Memorandum Opinion & Order, DA 10-1601, at 21 (Rel. Aug. 24, 2010) (Bureau Order).

be permitted in any way to undermine the Commission's rigorous policy against such grants. To this end, CenturyLink recommends that the Commission reiterate its policy and consider only whether special circumstances (akin to those required for a waiver) may exist in the extraordinary case of Standing Rock's petition to serve the entire Standing Rock Sioux Reservation while omitting any additional areas outside the reservation.

As the Commission considers Standing Rock's Petition, it should consider two important criteria that may provide support for, or militate against, a grant of the petition. First, the Commission should consider the extent to which Standing Rock would find it unduly burdensome to serve the entire rural wire centers in question. If it would not be unreasonably costly and impractical to serve the entire wire center, then the Commission should appropriately deny the Petition and expect Standing Rock to serve the entire wire center, including the portions outside the Standing Rock Sioux Reservation, just as it appears other tribally-owned ETCs have done.³ Conversely, if Standing Rock can demonstrate that it would be excessively burdensome to serve areas outside the Standing Rock Sioux Reservation, that fact may support its petition.

Second, the Commission should consider the relative population densities of and costs to serve the parts of the wire centers that Standing Rock proposes to serve, as compared with the remainders of those wire centers. The Commission's policies and procedures to guard against cream-skimming should apply and can be applied on a sub-wire center basis. Accordingly, the Commission should ensure that Standing Rock is committing to serve the higher-cost portions of the affected wire centers commensurate with any USF support it would expect to receive.

³ Bureau Order at 10 n.79 (citing *Federal-State Joint Board on Universal Service; Hopi Telecommunications, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Hopi Reservation in Arizona*, CC Docket No. 96-45, Order, 22 FCC Rcd 1866, 1870, ¶ 9 (Wireline Comp. Bur. 2007)).

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CONCLUSION

CenturyLink emphasizes that the Commission should ensure that any grant of partial wire center designation to Standing Rock does not in any way to undermine the Commission's rigorously-applied policy against such selectively-tailored designations. To this end, CenturyLink recommends that the Commission reiterate its long-established policy and consider only whether unique, special circumstances may exist in the exceptional case of Standing Rock's petition to serve the entire Standing Rock Sioux Reservation without serving any additional area outside the reservation. The public interest requires that the Commission ensure it does nothing in this proceeding that could undermine its long established policy against CETC service areas definitions that fail to encompass entire rural wire centers.

Respectfully submitted,

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September 23, 2010